REMARKS

This application contains claims 1-32. Claims 9, 12, 15-24, 27 and 28 have been canceled without prejudice. Claims 1, 31 and 32 have been amended. No new matter has been introduced. Reconsideration is respectfully requested.

Applicant thanks Examiners Kading and Nguyen for the courtesy of an interview with Applicant's representative Sanford T. Colb (Reg. No. 26,856), held in the USPTO on June 15, 2005. At the interview, Mr. Colb presented a draft amendment to claim 1 and argued the patentability of claims 1 and 12 over the cited art. It was agreed that the amendment to claim 1 would overcome the rejection of this claim. In a follow-up interview by telephone with Applicant's representative Daniel Kligler (Reg. No. 41,120) on June 29, 2005, Examiner Kading imposed a restriction requirement with respect to independent claims 12 and 15, on the grounds that these claims are drawn to a different invention from independent claims 1 and 31. It was then agreed that Applicant would withdraw claims 12 and 15, along with their dependent claims, and that the remaining claims (with the proposed amendment) would be allowed.

Claim 32 was objected to for a typographical error. The claim has been amended as suggested by the Examiner in order to correct the error.

Claims 1-3, 5-8, 10, 11, 13, 14, 25, 29 and 31 were rejected under 35 U.S.C. 103(a) over Drake, Jr., et al. (U.S. Patent 5,461,611) in view of Chikenji et al. (U.S. Patent 6,639,893). Claim 4 was rejected over Drake and Chikenji in view of "applicant's admitted prior art." Applicant has amended independent claims 1 and 31 in order to further clarify the distinction of the present invention over the cited art.

Drake describes a management system for local area networks. The management system receives requests from other stations on the network to reserve facilities for a data stream of a particular quality of service. If the requested facilities are available, an allocator in the management system reserves the facilities for the requesting station. Otherwise, the request is denied (abstract).

Chikenji describes a communication network in which two ring networks are connected by a pair of between-ring transmission lines. These lines are used in avoiding communication interruptions between ring networks due to faults (abstract).

Claim 1, as amended, describes a method for routing data flows in a network in which resources are allocated to nodes in the network in predetermined quanta. When a

given node (such as the first node recited in claim 1) receives a request to carry a data flow to another node, there are two possible courses of action:

1) If the first node has sufficient resources already allocated to it on one or more paths leading to the other node, the node uses the resources to carry the data flow over one of the paths to the other node, without requesting additional resources.

2) If the allocated resources are insufficient, the first node requests an increased allocation. The node may then receive an increased allocation of resources on one of the paths by a predetermined quantum.

This process is illustrated in the specification in Fig. 4 and is described in detail with reference thereto. As noted in paragraph 0041 of the published specification, this mode of allocation is useful in limiting the frequency with which allocation and deallocation operations must be performed.

By contrast, in Drake's system, the nodes must request a reservation of facilities for each new data stream. Drake states explicitly that "the quality of service management of a local area network is almost entirely concentrated in a single QoS management station... QoS allocations are maintained only so long as a requestor continues to refresh the request" (col. 2, line 65 – col. 3, line 10). Drake's nodes do not have a prior allocation of quanta that they can use to direct data flows in the manner recited in claim 1. When Drake's QoS management station (identified in Fig. 1 as allocator station 20) allocates a QoS transmission path for a multimedia file, it determines the exact bandwidth required and subtracts the bandwidth from each component on the path (col. 11, lines 11-21). Drake does not teach or suggest the possibility that a node could use its own allocated quanta of resources to carry a data flow, without requesting additional resources, if the allocated resources are sufficient.

Therefore, claim 1 as amended is believed to be patentable over the cited art. In view of the patentability of claim 1, claims 2-8, 10, 11, 13, 14 and 29, which depend from claim 1, are also believed to be patentable.

Claim 31 is an independent claim, which recites a communication network that operates on principles similar to those of the method of claim 1, and has been amended in like fashion. Therefore, for the reasons stated above, claim 31 is believed to be patentable, as are claims 25 and 32, which depend from claim 31.
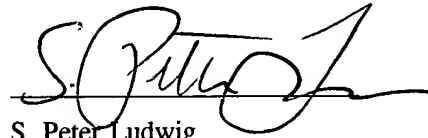
Claims 9, 12, 15-17, 19-24 and 26-28 were rejected under 35 U.S.C. 103(a) over Drake in view of Chikenji and further in view of McNamara (U.S. Patent 6,262,976).

Claim 18 was rejected under 35 U.S.C. 103(a) over Drake, Chikenji and McNamara, in view of "applicant's admitted prior art." Claim 26, which depends from claim 31, is believed to be patentable in view of the patentability of amended claim 31, as explained above. While disagreeing with the grounds of rejection of claims 9, 12, 15-24, 27 and 28, Applicant has canceled these claims, as agreed in the above-mentioned telephone interview, in order to expedite issuance of a patent on the claims that were agreed to be allowable. Applicant reserves the right to prosecute the subject matter of the canceled claims in a divisional application.

Applicant believes the amendments and remarks presented above to be fully responsive to all of the objections and grounds of rejection raised by the Examiner. In view of these amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Prompt notice to this effect is requested.

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